

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA
v.
CHALMER DETLING, III

Criminal Action No.
1:18-CR-309

CONSENT MOTION TO CONTINUE JUNE 23, 2021 TRIAL DATE

The United States of America, by Kurt R. Erskine, Acting United States Attorney, and Alex R. Sistla and Samir Kaushal, Assistant United States Attorneys for the Northern District of Georgia, file this Consent Motion to Continue the Trial Date from June 23, 2021 until a day convenient for the Court in September 2021.

On March 9, 2021, Chief Judge Thrash entered an Order further continuing all trials in the Northern District of Georgia until May 3, 2021 because of the ongoing COVID-19 pandemic. (R. 94, Eleventh Amendment to General Order 20-01.) As a result of the pandemic, the ability of parties to prepare for trials, which necessarily involves close contact with witnesses, including multiple witnesses located outside of the state of Georgia, has been challenging given the well-documented public health concerns associated with the pandemic, and the recommendations from the majority of federal, state, and local officials to maximize social distancing and minimize travel. With the introduction of several effective vaccines in recent months, and increased availability of these vaccines to the general public, however, criminal trials are now scheduled to move forward in this district by early May. Accordingly,

on April 8, 2021, the Court issued a notice setting the trial date in this matter for June 23, 2021. (R. 95.)

Because the Court had inquired of the parties about a possible June trial date before issuing a formal notice, the government reached out to counsel for Mr. Detling on April 5, 2021 about a possible September 2021 trial date. The government sought a September trial date because the undersigned Assistant United States Attorneys have trials set for May 4, 2021, June 2, 2021, June 14, 2021, June 22, 2021, and August 10, 2021. Accordingly, given the conflicting trials and to have sufficient time to prepare for trial, the government sought defense counsel's consent to propose a September 2021 trial date. On April 8, 2021, after the Court docketed the notice setting a trial date, the government sought Mr. Detling's consent to continue the trial date until September 2021. On April 9, 2021, counsel for Mr. Detling informed the government that the defendant did not object to the government's requested continuance. That same day, counsel for the government notified the Court that Mr. Detling did not object to the government's request to continue the June 23, 2021 trial date until September 2021. The government further notes that Mr. Detling is not in custody pending trial.

For the foregoing reasons, the government respectfully requests that the Court grant the consent motion and continue the trial date in this matter from June 23, 2021 until a date convenient to the Court in September 2021. The government submits that the ends of justice served by continuing the trial in this matter outweigh the best interest of the public and the defendant's right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).

Respectfully submitted,
Kurt R. Erskine
Acting United States Attorney

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CERTIFICATE OF COMPLIANCE AND SERVICE

I hereby certify that this document was prepared using Times New Roman 14 point font, and that I have caused a copy of the foregoing motion to be electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

This 14th day of April, 2021.

/s/ Alex R. Sistla
Assistant United States Attorney

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[PROPOSED] ORDER

Presently before the Court is a Consent Motion to Continue the June 23, 2021 Trial Date.

For the reasons set forth in the Consent Motion to Continue, including but not limited to the fact that the ongoing COVID-19 pandemic has caused, is causing, and is expected to continue to cause extraordinary disruption throughout this District, including, but not limited to, delaying the ability of the parties to prepare for trial, as well as scheduling of criminal trials; and the multiple conflicting trials for counsel for the Government in May, June, and August 2021, the Court **GRANTS** the motion and **ORDERS** that the trial date in this matter has been reset to September _____, 2021.

The Court specifically finds that the failure to grant a continuance in this proceeding could potentially result in a miscarriage of justice, for example, the need to grant a mistrial in the event that any individuals became ill during the proceedings. The Court also finds that the failure to grant such a continuance would deny the attorneys for the Government the reasonable time necessary for

effective preparation, taking into account the exercise of due diligence, given the limitations imposed by the ongoing health crisis caused by COVID-19. *See* 18 U.S.C. § 3161(h)(7)(A), (B)(i), (iv).

Accordingly, the Court additionally directs the Clerk of Court to **EXCLUDE** the time between May 3, 2021 and September _____, 2021 under the Speedy Trial Act, as the Court finds that the delay is for good cause, and the interests of justice in granting the continuance outweigh the right of the public and the right of the defendant to a speedy trial, pursuant to 18 U.S.C. § 3161, *et seq.*

Leigh Martin May
UNITED STATES DISTRICT JUDGE

Prepared by:
Alex R. Sistla
Assistant U.S. Attorney